

## REMARKS

Claims 1-25 were pending, all of which were rejected. Claims 1, 4, 13, 15, 17, 20, and 21 have been amended.

Support for the amendments to independent Claims 1, 13, 17, and 20 is found, e.g., in Figs. 4, 7A, and 8 and is described in the paragraph beginning on page 7, line 30, and the paragraph beginning on page 10, line 7. Claims 4, 15, and 21 have been amended to be consistent with the claims from which they depend.

### Drawings

Figs. 1, 2, 3A, and 3B have been amended to include the label "Conventional" as requested by the Examiner.

### Claim Rejections – 35 U.S.C. §102

Claims 1-4, 6, 8, 10-18, 20, 21, 24, and 25 were rejected under 35 U.S.C. §102(b) as being anticipated by Lacey et al (5,777,740) ("Lacey"). Applicant respectfully requests reconsideration.

Independent Claims 1, 13, 17, and 20 have been amended to indicate that within the interferometer beam path, the light beam is split into two beams and both beams are reflected off the sample. For example, independent Claims 1 and 13 have been amended to recite that the "interferometer optics comprise a beam splitter that splits said light beam for the interferometer into two light beams both of which are reflected off the sample". Claim 20 has been amended to recite "the interferometer optics comprise a beam splitter that splits said light beam for the interferometer into two light beams and directs said two light beams for an interferometer to reflect off said sample and combines the two reflected light beams into one reflected light beam".

Independent Claim 17 has been amended to include "splitting the light beam in the interferometer path into two light beams;" "reflecting the two light beams in the interferometer path off said sample;" and "combining the two reflected light beams into one reflected light beam".

The interferometer in Lacey, on the other hand, splits the beam, reflects one beam off the sample 110 and the other beam off the reference mirror 152. Thus, Lacey does not split the beam into two beams and reflect both beams off the sample. Moreover, Lacey does not suggest such a configuration.

Thus, Applicant respectfully submits that Claims, 1, 13, 17, and 20 are patentable over Lacey. Reconsideration and withdrawal of this rejection is respectfully requested. Claims 2-4, 6, 8, and 10-12 depend from Claim 1, Claims 14-16 depend from Claim 13, Claim 18 depends from Claim 17, and Claims 21, 24, and 25 depend from Claim 20 and are thus likewise patentable over Lacey for at least the same reasons as discussed above.

Claim Rejections – 35 U.S.C. §103


Claims 5, 6, 9, 19, 22, and 23 were rejected under 35 U.S.C. §103(a) as being unpatentable over Lacey. Reconsideration is respectfully requested.

Applicant submits that the Examiner combination does not overcome the deficiencies of Lacey described above. Accordingly, Claims 5, 6, 9, which depend from Claim 1, and Claim 19, which depends from Claim 17, and Claims 22 and 23 which depend from Claim 20, are patentable for at least the same reasons that Claims 1, 17, and 20 are patentable over Lacey.

Claims 1, 4, 13, 15, 17, 20, and 21 have been amended. For at least the above reasons, Applicant respectfully requests allowance of Claims 1-25. Should the Examiner have any questions concerning this response, the Examiner is invited to call the undersigned at (408) 982-8202.

**Via Express Mail Label No.  
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Respectfully submitted,



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